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July 20, 2015

Via ECF

The Honorable Andrew J. Peck
United States Magistrate Judge for the
Southern District of New York
500 Pearl Street
New York New York 10007

Re: *Navarro & Dahi v. Bruckner Forever Young Social Adult Day Care Inc, et al.*;
Docket No. 15-CV-00064 (AJP)

Dear Judge Peck:

We represent the Plaintiff in the above-referenced matter and have reviewed the June 17, 2015 letter that incoming opposing counsel filed with this Court in response to the Court's Order to Show Cause, dated July 17, 2015. As the Court knows, it issued the Order to Show Cause after Ms. Anna Rusanov did not appear at the July 17 status conference in this matter. As explained below, rather than take full responsibility for her failure to review the docket and appear in court as scheduled, opposing counsel has decided to shift blame to our office.

First, Plaintiffs contacted Defendants' prior counsel, Mr. Donald Kravet, during the week of July 7, 2015, and Mr. Kravet conveyed that Defendants would be securing new counsel by the following week. Mr. Kravet also conveyed that a motion for substitution would come forthwith on July 13, 2015 and that all information would be transferred to new counsel. On July 14, 2015, this Court granted that motion for substitution of new counsel in this matter, making Ms. Anna Rusanov, Esq. the Defendants attorneys. It was certainly not our responsibility to determine how and to what extent that Defendants' prior and new counsel have transferred relevant information and any suggestion to the contrary is just ludicrous.

Second, contrary to Ms. Rusanov's statement, at no point in time between July 13 and the July 17, 2015 conference did Plaintiffs' office ever receive a telephone call, voicemail message, or email from opposing counsel. (The only communication between counsel prior to that date was when my office mailed to Ms. Rusanov's office Plaintiff's Motion for Leave to Amend the Complaint and its supporting papers.)

Furthermore, Defendants' letter to the court states that Ms. Rusanov reviewed the docket prior to July 17, 2015. A complete and proper reading of the docket in this matter shows that Docket Entry Number 38 indicates Your Honor's June 15, 2015 Order, *inter alia*, scheduling this matter for a status conference on July 17, 2015. Nothing could be clearer. Thus, Ms. Rusanov either was aware of the status conference or had not read the docket sheet thoroughly, none of which can be visited upon Plaintiffs.

We thank the Court for its attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Vivian Walton", with a long horizontal flourish extending to the right.

Vivian Walton, Esq.
For the Firm

VW:jp